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PTO/SB/31 (04-05)

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

DB000972-002

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 13 July 2005

Signature Edward L. Pencoske

Typed or printed name Edward L. Pencoske

In re Application of Philip H. Spano, Jr.

Application Number <u>10/706,832</u>	Filed <u>11/12/2003</u>
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For METHOD OF OPERATING A DISPENSING CABINET

Art Unit <u>3653</u>	Examiner <u>Michael E. Butler</u>
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Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
- A check in the amount of the fee is enclosed. 07/18/2005 SHASSEN1 00000038 10706832
- Payment by credit card. Form PTO-2038 is attached. 01 FC:1401 500.00 DP
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-0888. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- attorney or agent of record. 29,688
Registration number _____
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Edward L. Pencoske
Signature

Edward L. Pencoske

Typed or printed name

412-394-7789

Telephone number

July 13, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

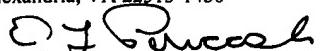
This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney for Appellants

Date: 13 July 2005

Appl. No.: 10/706,832

Applicant(s): Philip H. Spano et al

Filed: November 12, 2003

Title: METHOD OF OPERATING A DISPENSING CABINET

Art Unit: 3653

Examiner: Michael E. Butler

Docket No.: DB000972-002

Customer No.: 24122

TRANSMITTAL LETTER

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-captioned application, please find the following:

- Notice of Appeal (PTO/SB/31);
- Check in the amount of \$500.00 as the requisite fee for filing a Notice of Appeal.

Also enclosed is a return postcard. Please date stamp the postcard and return it to the address thereon in order to acknowledge receipt of the above-mentioned correspondence.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A duplicate copy of this Transmittal letter is enclosed.

Respectfully submitted,



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Dated: 13 July 2005